

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VICTOR HARARY,

Plaintiff,

-against-

LOLLY TOGS LTD., RICHARD SUTTON  
and ALFRED SUTTON,

Defendants.

No. 07 CV 07878 (JES)

**AFFIDAVIT OF NEIL G. SPARBER, ESQ.**  
**PURSUANT TO LOCAL**  
**RULE 1.4 IN SUPPORT OF**  
**DEFENDANTS' REQUEST TO**  
**SUBSTITUTE COUNSEL**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF NEW YORK                )

NEIL G. SPARBER, being duly sworn, deposes and says:

1. I am a member of the law firm of Fulbright & Jaworski L.L.P. I am familiar with the facts set forth herein.
2. This affidavit is submitted pursuant to Rule 1.4 of the Local Rules of the United States District Court for the Southern District of New York in connection with the request of Defendants Lolly Togs LTD., Richard Sutton and Alfred Sutton (collectively "Defendants") (1) to permit Fulbright & Jaworski L.L.P. to withdraw as counsel of record for Defendants named in this litigation, and (2) to permit Jackson Lewis LLP, by Felice B. Ekelman, Esq. and John A. Snyder II, Esq. to be substituted as counsel of record for Defendants in connection with the above-captioned action.

3. At the outset of this matter, Defendants retained Fulbright & Jaworski L.L.P. to represent them in this action. During the week of October 15, 2007, Defendants determined they wished to have Jackson Lewis LLP substitute in as their counsel of record.


4. I will cooperate in effectuating this substitution.

5. On or about September 7, 2007, Plaintiff Victor Harary filed a Complaint against Defendants alleging breach of contract, breach of the covenant of good faith and tortious interference with contract.

6. Defendants filed a Motion to Dismiss on October 11, 2007.

7. Defendants' motion is currently pending before the Court.

8. Based on the foregoing, Defendants respectfully request the Court to permit Fulbright & Jaworski L.L.P. to withdraw as counsel of record for Defendants, and to permit Jackson Lewis LLP, by Felice B. Ekelman, Esq. and John A. Snyder II, Esq., to substitute as counsel for Defendants in connection with the above-captioned action.

  
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Neil G. Sparber

Sworn to before me this  
22nd day of October 2007.

  
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Notary Public

EMILY RANIERI  
NOTARY PUBLIC, State of New York  
No. 31-4971664  
Qualified in New York County  
Commission Expires Sept. 10, 2010